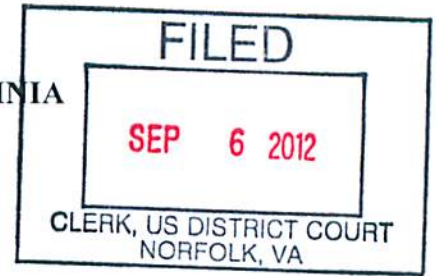


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



RODNEY GOODMAN, #218481,

Petitioner,

v.

HAROLD W. CLARKE, Director,  
Virginia Department of Corrections,

Respondent.

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ACTION NO. 2:12CV66

**FINAL ORDER**

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner alleges that he was convicted of robbery, malicious wounding and possession of cocaine in the Circuit Court of Portsmouth, Virginia, as a result of which he was sentenced to 57 ½ years in prison. The current petition challenges the Virginia Parole Board's denial of parole and, as a result, the duration of his confinement for his state convictions.

The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation filed July 24, 2012 recommends dismissal of the petition. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On August 6, 2012, the Court received petitioner's Objections to the Report and Recommendation. The Respondent filed no response to the Objections and the time for responding has now expired.

The Court, having reviewed the record and examined the objections filed by petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed July 24, 2012. It is, therefore, ORDERED that Respondent's Motion to Dismiss be GRANTED and the Petitioner's petition be DENIED and DISMISSED with prejudice.

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to petitioner and counsel of record for respondent.

/s/ 

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MARK S. DAVIS  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

Sept. 5, 2012